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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 ERIN WETZEL,

Case No. 2:16-cv-02271-RFB-PAL

8 Plaintiff,

ORDER

9 v.

(Stip Ext Time – ECF No. 29)

10 MEDICWEST AMBULANCE, INC., et al.,

11 Defendants.

12 Before the court is the parties' Stipulation to Extend Discovery Deadlines (Third Request)
13 (ECF No. 29). This is the third untimely filed request for an extension of the discovery plan and
14 scheduling order deadlines. The extended discovery cutoff is March 14, 2018. The current
15 stipulation was filed March 8, 2018.

16 Having reviewed and considered the matter, the court is not satisfied the parties have shown
17 either good cause or due diligence in attempting to complete discovery within the extended time
18 allowed. The initial 180-day plan established an October 30, 2017 discovery cutoff. The parties
19 requested and received two prior extensions. On October 18, 2017 the parties filed an untimely
20 stipulation requesting a 120-day extension. Given the modest amount of the discovery the parties
21 described that remained to be completed the court granted a 60-day extension until December 14,
22 2017. See Stipulation (ECF No 24) and Order (ECF No 25). On December 19, 2017 the parties
23 again filed an untimely stipulation (ECF No 26) after the discovery cutoff had expired requesting
24 another 90-day extension based on serious medical problems suffered by one of the three counsel
25 of record for plaintiff. The court granted the stipulation in an Order (ECF No 27) extending
26 discovery until March 14, 2018.

27 The parties now seek an additional 120-day extension because of new information learned
28 during the deposition of Janice Gonzalez on January 28, 2018. Ms. Gonzalez has been identified

1 as a witness whose deposition needed to be taken in prior requests for an extension of the discovery
2 plan and scheduling order deadlines. Her deposition was taken approximately 6 weeks before the
3 expiration of the second extension of the. discovery plan and scheduling order deadlines. The
4 parties also indicate that during the deposition of Detective McCloud he identified additional
5 documents not produced by the North Las Vegas Police Department pursuant to a subpoena *duces*
6 *tecum* previously served. Detective McCloud was not deposed until February 28, 2018, or two
7 weeks before the extended discovery cutoff. The parties do not say when the subpoena was served.

8 If new or “unforeseen” information was learned late it was because the parties were not
9 diligent in conducting the discovery they were aware needed to be done early enough leave time
10 for follow up discovery. Under these circumstances the court will deny parties’ request for a 120-
11 day extension but allow a 30-day extension to complete Detective McCloud’s deposition, obtain
12 documents responsive to the subpoena previously served from the North Las Vegas Police
13 Department and complete any follow up which time allows.

14 **IT IS ORDERED** that the parties’ Stipulation to Extend Discovery Deadlines
15 (ECF No. 29) is **DENIED**. A 30-day extension of the discovery plan and scheduling order
16 deadlines is granted for the limited purposes identified in this order as follows:

- 17 1. Deadline to complete discovery: **April 14, 2018**
- 18 2. Deadline to file dispositive motions: **May 13, 2018**
- 19 3. Deadline to file joint pretrial order: **June 13, 2018**. In the event dispositive motions
20 are filed, the date for filing the joint pretrial order shall be suspended until 30 days after
21 a decision of the dispositive motions. The disclosures required by Fed. R. Civ. P.
22 26(a)(3), and any objections thereto, shall be included in the pretrial order.
- 23 4. No further extensions will be allowed.

24 DATED this 12th day of March, 2018.

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26 
27 PEGGY A. TEEN
28 UNITED STATES MAGISTRATE JUDGE